

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No. 00-1123-R)

In the Application of:

Lin, et al.

) Art Unit: 1641

Serial No.: 10/667,696

) Examiner: TBD

Filed: September 22, 2003

For: Label-Free Methods for Performing  
Assays Using a Colorimetric Resonant  
Optical Biosensor

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

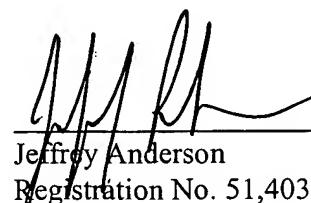
Dear Sir:

In regard to the above identified application,

1. We are transmitting herewith the attached:
  - a) Information Disclosure Statement (IDS) (6 sheets);
  - b) PTO Form 1449 (6 sheet);
  - c) 101 Cited References; and
  - d) Return postcard.
2. With respect to fees:
  - a) It is believed no fee is due at this time as the first Office Action has not yet been issued.
  - b) Please charge any underpayment or credit any overpayment to our Deposit Account, No. 13-2490.
3. CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 13, 2003.

Respectfully submitted,

By:

  
Jeffrey Anderson  
Registration No. 51,403



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(Case No. 00-1123-R)

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Lin, et al. ) Art Unit: 1641  
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INFORMATION DISCLOSURE STATEMENT

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Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. Section 1.97 - 1.99, the Applicant wishes to make the following references of record in the above-identified application. This Information Disclosure Statement is in compliance with the continuing duty of candor as set forth in 37 C.F.R. Section 1.56. Copies of the references cited below are enclosed. These references are also listed on the enclosed PTO Form 1449.

In the judgment of the undersigned, portions of the listed references may be material to the Examiner's consideration of the presently pending claims. However, the references have not been reviewed in sufficient detail to make any other representation and, in particular, no representation is intended as to the relative relevance between references, whether cited in this or prior statements. This statement is not a representation that the listed references have effective dates early enough to be "prior art" within the meaning of 35 U.S.C. Section 102 or Section 103.

### United Patents Application Publications

1. Cunningham, et al., U.S. Provisional Patent Application, "Resonant Reflection Microarray", Serial No. 60/244,312 filed October 30, 2000.
2. Cunningham, et al., U.S. Provisional Patent Application, "Resonant Reflection Microarray", Serial No. 60/283,314 filed April 12, 2001.
3. Cunningham, et al., U.S. Provisional Patent Application, "Resonant Reflection Microarray", Serial No. 60/303,028 filed July 3, 2001.
4. Challener et al., U.S. Patent Publication No. US 2002/0018610-A1, published February 14, 2002.
5. Cunningham, et al., U.S. Patent Publication US 2003/0027327-A1, published February 6, 2003.
6. Cunningham, et al., U.S. Patent Publication No. US 2003/0027328-A1, published February 6, 2003.

### United States Patents

7. Challener, U.S. Reissued Patent No. RE37,473 E, reissued 12/18/01.
8. Firester, U.S. Patent No. 4,009,933, issued 03/01/77.
9. Sheng, et al., U.S. Patent No. 4,536,608, issued 08/20/85.
10. Martens, U.S Patent No. 4,576,850, issued 03/18/86.
11. Barber, U.S Patent No. 4,668,558, issued 05/26/87.
12. Gustafson, et al., U.S Patent No. 4,876,208, issued 10/24/89.
13. Layton, et al., U.S Patent No. 4,931,384, issued 6/5/90.
14. Godfrey, U.S Patent No. 4,992,385, issued 2/12/91.
15. Cowan, U.S Patent No. 4,999,234, issued 03/12/91.
16. Layton, et al., U.S Patent No. 5,118,608, issued 6/2/92.
17. Lu, et al., U.S Patent No. 5,175,030, issued 12/29/92.
18. Andersson, et al., U.S Patent No. 5,229,614, issued 07/20/93.
19. Wenz, et al., U.S Patent No. 5,268,782, issued 12/07/93.
20. Koch, et al., U.S Patent No. 5,413,884, issued 05/04/95.

21. Kunz, U.S Patent No. 5,442,169, issued 08/15/95.
22. Fettinger, U.S Patent No. 5,455,178, issued 10/3/95.
23. Gustafson, et al., U.S Patent No. 5,478,527, issued 12/26/95.
24. Gizeli, et al., U.S Patent No. 5,478,756, issued 12/26/95.
25. Malmqvist et al., U.S Patent No. 5,492,840, issued 02/20/96.
26. Pollard-Knight, U.S Patent No. 5,496,701, issued 03/5/96.
27. Elliott, et al., U.S Patent No. 5,559,338, issued 09/24/96.
28. Sambles, et al., U.S Patent No. 5,598,267, issued 01/28/97.
29. Magnusson, et al., U.S Patent No. 5,598,300, issued 01/28/97.
30. Doggett, U.S Patent No. 5,615,052, issued 03/25/97.
31. Pinkel, et al., U.S Patent No. 5,690,894, issued 11/25/97.
32. Benson, Jr. et al., U.S Patent No. 5,691,846, issued 11/25/97.
33. Bylander, et al., U.S Patent No. 5,732,173, issued 03/24/98.
34. Rudigier, et al., U.S Patent No. 5,738,825, issued 04/14/98.
35. Wortman, et al., U.S Patent No. 5,771,328, issued 06/23/98.
36. Morris, et al., U.S Patent No. 5,792,411, issued 08/11/98.
37. Chen, U.S Patent No. 5,804,453, issued 09/8/98.
38. Simon, U.S Patent No. 5,846,843, issued 12/8/98.
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42. Kunz, et al., U.S Patent No. 5,991,480, issued 11/23/99.
43. Challener, et al., U.S Patent No. 5,994,150, issued 11/30/99.
44. Grann, et al., U.S Patent No. 6,035,089, issued 03/7/00.
45. Hoopman, et al., U.S Patent No. 6,076,248, issued 06/20/00.

46. Hobbs, U.S Patent No. 6,088,505, issued 07/11/00.
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48. Pinkel, et al., U.S Patent No. 6,146,593, issued 11/14/00.
49. Hobbs, et al., U.S Patent No. 6,185,019, issued 02/06/01.
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51. Hefti, U.S Patent No. 6,338,968, issued 01/15/02.
52. Herron, et al., U.S Patent No. 6,340,598, issued 01/22/02.
53. Sigrist, et al., U.S Patent No. 6,346,376, issued 02/12/02.

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54. European Patent Publication No. EP 0 517 777, published May 22, 1996.
55. European Patent Publication No. EP 0 112 721, published July 4, 1984.
56. European Patent Publication No. EP 0 660 924, published September 1, 1999.
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58. PCT Patent Publication No. WO 84/02578, published July 5, 1984.
59. PCT Patent Publication No. WO 90/0831, published July 26, 1990.
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61. PCT Patent Publication No. WO 92/21768, published December 10, 1992.
62. PCT Patent Publication No. WO 93/14392, published July 22, 1993.
63. PCT Patent Publication No. WO 95/03538, published February 2, 1995.
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65. PCT Patent Publication No. WO 99/09392, published February 25, 1999.
66. PCT Patent Publication No. WO 99/09396, published February 25, 1999.
67. PCT Patent Publication No. WO 99/66330, published December 23, 1999.
68. PCT Patent Publication No. WO 00/23793, published April 27, 2000.
69. PCT Patent Publication No. WO 01/04697, published January 18, 2001.

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70. Brecht, et al., *Biosensors & Bioelectronics* Vol. 10, pp. 923-936 (1995).
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76. Cunningham, B. et al., *Sensors and Actuators B* 85; pp 219-226 (2002).
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94. Raguin, et al., *Laser Focus World*, pp. 113-117 (1997).
95. Sigal, et al., *Analytical Chemistry*, Vol. 68, No. 3, pp. 490-497 (1996).
96. Wang, et al., *Optical Society of America*, Vol. 19, No. 12, 919-921 (1994).
97. Wang, et al., *J. Opt. Soc. Am.*, Vol. 7, No. 8, pp. 1470-1474 (1990).
98. Wang, et al., *Applied Optics*, Vol. 32, No. 14, pp. 2606-2613 (1993).
99. International Search Report for foreign counterpart application PCT/US01/50723.
100. International Search Report for foreign counterpart application PCT/US03/01175.
101. Invitation to Pay Additional Fees in foreign counterpart application PCT/US01/50723.

In accordance with MPEP Sections 609 and 707.05(b), it is requested the document cited (including any cited in applicant's specification which is not repeated on the attached Form PTO-1449) be given thorough consideration and that it be cited of record in the prosecution history of the present application by initialing on Form PTO-1449. Such initialing is requested even if the Examiner does not consider a cited document to be sufficiently pertinent to use in a rejection, or otherwise does not consider it to be prior art for any reason, or even if the Examiner does not believe that the guidelines for citation have been fully complied with. This is requested so that each document becomes listed on the face of the patent issuing on the present application.

Date: February 13, 2003

By:

Respectfully submitted,



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Jeffrey D. Anderson  
Reg. No. 51,403

**McDonnell, Boehnen Hulbert & Berghoff**  
300 South Wacker Drive  
Chicago, IL 60606  
312 913-0001

FORM PTO-1449 (Rev. 2-32)	U.S. Department of Commerce Patent and Trademark Office	Atty. Docket No. 00-1123-R	Serial No. 10/667,696
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (Use several sheets if necessary)		Applicant: Lin, et al.	
		Filing Date: September 22, 2003	Group: 1641

### U.S. PATENT APPLICATION DOCUMENTS

Examiner Initial		Document Number	Filing Date	Name	Class	Subclass	Publication Date if Appropriate
	1.	60/244,312	Oct 30, 2000	Cunningham, et al.			
	2.	60/283,314	April 12, 2001	Cunningham, et al.			
	3.	60/303,028	July 3, 2001	Cunningham, et al.			
	4.	US 2002/0018610-A1	Feb 14, 2002	Challener et al.			
	5.	US 2003/0027327-A1	Feb 6, 2003	Cunningham, et al.			
	6.	US 2003/0027328-A1	Feb 6, 2003	Cunningham, et al.			

### U.S. PATENT DOCUMENTS

Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date if Appropriate
	7.	RE37,473	12/18/01	Challener			
	8.	4,009,933	03/01/77	Firester			
	9.	4,536,608	08/20/85	Sheng, et al.			
	10.	4,576,850	03/18/86	Martens			
	11.	4,668,558	05/26/87	Barber			
	12.	4,876,208	10/24/89	Gustafson, et al.			
	13.	4,931,384	6/5/90	Layton, et al.			
	14.	4,992,385	2/12/91	Godfrey			

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Serial No.

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INFORMATION DISCLOSURE  
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Applicant:

Lin, et al.

Filing Date:

September 22, 2003

Group:

1641

Examiner Initial	Document Number	Date	Name	Class	Subclass	Filing Date if Appropriate
15.	4,999,234	03/12/91	Cowan			
16.	5,118,608	6/2/92	Layton, et al.			
17.	5,175,030	12/29/92	Lu, et al.			
18.	5,229,614	07/20/93	Andersson, et al.			
19.	5,268,782	12/07/93	Wenz, et al.			
20.	5,413,884	05/04/95	Koch, et al.			
21.	5,442,169	08/15/95	Kunz			
22.	5,455,178	10/3/95	Fattinger			
23.	5,478,527	12/26/95	Gustafson, et al.			
24.	5,478,756	12/26/95	Gizeli, et al.			
25.	5,492,840	02/20/96	Malmqvist et al.			
26.	5,496,701	03/5/96	Pollard-Knight			
27.	5,559,338	09/24/96	Elliott, et al.			
28.	5,598,267	01/28/97	Sambles, et al.			
29.	5,598,300	01/28/97	Magnusson, et al.			
30.	5,615,052	03/25/97	Doggett			
31.	5,690,894	11/25/97	Pinkel, et al.			
32.	5,691,846	11/25/97	Benson, Jr. et al.			
33.	5,732,173	03/24/98	Bylander, et al.			
34.	5,738,825	4/14/98	Rudigier, et al.			

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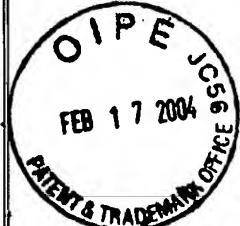
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35.	5,771,328	06/23/98	Wortman, et al.			
36.	5,792,411	08/11/98	Morris, et al.			
37.	5,804,453	9/8/98	Chen			
38.	5,846,843	12/8/98	Simon			
39.	5,925,878	7/20/99	Challener			
40.	5,955,378	9/21/99	Challener			
41.	5,986,762	11/16/99	Challener			
42.	5,991,480	11/23/99	Kunz, et al.			
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44.	6,035,089	03/7/00	Grann, et al.			
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**FOREIGN PATENT DOCUMENTS**

Examiner Initial	Document Number	Date	Country	Class	Subclass	Translation	
						Yes	No
54.	EP 0 517 777	May 22, 1996	EP				
55.	EP 0 112 721	July 4, 1984	EP				
56.	EP 0 660 924	Sept 1, 1999	EP				
57.	GB 2 227 089	July 18, 1990	GB				
58.	WO 84/02578	July 5, 1984	PCT				
59.	WO 90/0831	July 26, 1990	PCT				
60.	WO 91/13339	Sept 5, 1991	PCT				
61.	WO 92/21768	Dec 10, 1992	PCT				
62.	WO 93/14392	July 22, 1993	PCT				
63.	WO 95/03538	Feb 2, 1995	PCT				
64.	WO 98/57200	Dec 17, 1998	PCT				
65.	WO 99/09392	Feb 25, 1999	PCT				
66.	WO 99/09396	Feb 25, 1999	PCT				
67.	WO 99/66330	Dec 23, 1999	PCT				
68.	WO 00/23793	April 27, 2000	PCT				
69.	WO 01/04697	Jan 18, 2001	PCT				

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**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc).**

70.	Brecht, et al., <i>Biosensors &amp; Bioelectronics</i> Vol. 10, pp. 923-936 (1995).
71.	Challener, et al., <i>Elsevier Science B.V.</i> , pp. 42-46 (2000).
72.	Cowan, <i>J. Opt. Soc. Am.</i> , Vol. 7, No. 8, pp. 1529-1544 (1990).
73.	Cowan, <i>Optical Engineering</i> , Vol. 24, No. 5, pp. 796-802 (1985).
74.	Cowan, <i>SPIE</i> Vol. 503, Application, Theory, and Fabrication of Periodic Structures, pp. 120-129 (1984).
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96.	Patel, et al., <i>IEEE Photonics Technology Letters</i> , Vol. 3, No. 7, pp. 643-644 (1991).
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93.	Peng, et al., <i>J. Opt. Soc. Am. A.</i> , Vol. 13, No. 5, pp. 993-1005 (1996).
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99.	International Search Report for foreign counterpart application PCT/US01/50723.
100.	International Search Report for foreign counterpart application PCT/US03/01175.
101.	Invitation to Pay Additional Fees in foreign counterpart application PCT/US01/50723.

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